

Message

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**From:** Sweeney, Stephen [Sweeney.Stephen@epa.gov]  
**Sent:** 10/28/2020 7:19:19 PM  
**To:** Kupchan, Simma [Kupchan.Simma@epa.gov]; Wehling, Carrie [Wehling.Carrie@epa.gov]; Wade, Alexis [Wade.Alexis@epa.gov]  
**Subject:** FYI **Ex. 5 AC/DP**

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**From:** Saxena, Juhi <Saxena.Juhi@epa.gov>  
**Sent:** Wednesday, October 28, 2020 3:18 PM  
**To:** Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Subject:** RE: Kathy's review of (b)(1) guidelines and other actions we may have associated with FL request

Hi! Yeah, I think this was it, although not sure if there was any mention in the BE/BiOp from NMFS

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**From:** Sweeney, Stephen <Sweeney.Stephen@epa.gov>  
**Sent:** Wednesday, October 28, 2020 3:16 PM  
**To:** Saxena, Juhi <Saxena.Juhi@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Subject:** RE: Kathy's review of (b)(1) guidelines and other actions we may have associated with FL request

Thanks, Juhi.

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## **Ex. 5 AC/DP**

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**From:** Saxena, Juhi <Saxena.Juhi@epa.gov>  
**Sent:** Wednesday, October 28, 2020 3:07 PM  
**To:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Sweeney, Stephen <Sweeney.Stephen@epa.gov>  
**Subject:** RE: Kathy's review of (b)(1) guidelines and other actions we may have associated with FL request

From Section 12.3 of the VGP fact sheet:

12.3. ESSENTIAL FISH HABITAT CONSULTATION Pursuant to section 305(b)(2) of the Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996 (Public Law 104-267), Federal agencies must consult with National Oceanic and Atmospheric Administration's National Marine Fisheries Service (NMFS) regarding any of their actions authorized, funded, or undertaken, or proposed to be authorized, funded, or undertaken that may adversely affect Essential Fish Habitat (EFH). Upon review, EPA has determined that issuance of this final permit will have no adverse effect on EFH. Any effects of this permit on essential fish habitat would be beneficial by imposing restrictions, including management practices, on discharges incidental to the normal operation of vessels. Since prior to enactment of the CWA and the Magnuson-Stevens Act, such discharges have occurred without restrictions.

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**From:** Hurlid, Kathy <Hurlid.Kathy@epa.gov>  
**Sent:** Wednesday, October 28, 2020 12:42 PM  
**To:** Sweeney, Stephen <Sweeney.Stephen@epa.gov>; Saxena, Juhi <Saxena.Juhi@epa.gov>  
**Subject:** FW: Kathy's review of (b)(1) guidelines and other actions we may have associated with FL request

Steve and Juhi,

Below is my summary of my re-education of MPRSA and EFH.

Juhi,

Ex. 5 AC/DP

Thanks, we are starting from scratch

**From:** Hurlid, Kathy

**Sent:** Tuesday, October 27, 2020 6:28 PM

**To:** Laycock, Kelly <Laycock.Kelly@epa.gov>; McGill, Thomas <Mcgill.Thomas@epa.gov>; Calli, Rosemary <Calli.Rosemary@epa.gov>; Hicks, Matt <Hicks.Matthew@epa.gov>; Nagrani, Kavita <Nagrani.Kavita@epa.gov>; Wade, Alexis <Wade.Alexis@epa.gov>; Parker, Christopher <Parker.Christopher@epa.gov>; Ghosh, Mita <Ghosh.Mita@epa.gov>; Kupchan, Simma <Kupchan.Simma@epa.gov>; Speir, Jeffrey <speir.jeffrey@epa.gov>; Morgan, James <Morgan.James@epa.gov>; Beck, Whitney <beck.whitney@epa.gov>

**Cc:** Creswell, Michael <Creswell.Michael@epa.gov>; Clark, Maria <Clark.Maria@epa.gov>; Kajumba, Ntale <Kajumba.Ntale@epa.gov>

**Subject:** RE: Kathy's review of (b)(1) guidelines and other actions we may have associated with FL request

Deliberative:

**Ex. 5 AC/DP**

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**From:** Hurl, Kathy

**Sent:** Tuesday, October 27, 2020 5:14 PM

**To:** Laycock, Kelly <[Laycock.Kelly@epa.gov](mailto:Laycock.Kelly@epa.gov)>; McGill, Thomas <[Mcgill.Thomas@epa.gov](mailto:Mcgill.Thomas@epa.gov)>; Calli, Rosemary <[Calli.Rosemary@epa.gov](mailto:Calli.Rosemary@epa.gov)>; Hicks, Matt <[Hicks.Matthew@epa.gov](mailto:Hicks.Matthew@epa.gov)>; Nagrani, Kavita <[Nagrani.Kavita@epa.gov](mailto:Nagrani.Kavita@epa.gov)>; Wade, Alexis <[Wade.Alexis@epa.gov](mailto:Wade.Alexis@epa.gov)>; Parker, Christopher <[Parker.Christopher@epa.gov](mailto:Parker.Christopher@epa.gov)>; Ghosh, Mita <[Ghosh.Mita@epa.gov](mailto:Ghosh.Mita@epa.gov)>; Kupchan, Simma <[Kupchan.Simma@epa.gov](mailto:Kupchan.Simma@epa.gov)>; Speir, Jeffrey <[speir.jeffrey@epa.gov](mailto:speir.jeffrey@epa.gov)>; Morgan, James <[Morgan.James@epa.gov](mailto:Morgan.James@epa.gov)>; Beck, Whitney <[beck.whitney@epa.gov](mailto:beck.whitney@epa.gov)>

**Cc:** Creswell, Michael <[Creswell.Michael@epa.gov](mailto:Creswell.Michael@epa.gov)>; Clark, Maria <[Clark.Maria@epa.gov](mailto:Clark.Maria@epa.gov)>; Kajumba, Ntale <[Kajumba.Ntale@epa.gov](mailto:Kajumba.Ntale@epa.gov)>

**Subject:** RE: Kathy's review of (b)(1) guidelines and other actions we may have associated with FL request

Deliberative – pre-decisional

**Ex. 5 AC/DP**